IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.Rev.Pet.No. 1080 of 1999()

AGAINST THE JUDGMENT IN CRA.133/1997 of ADDL.SESSIONS COURT, KOZHIKODE
CC.316/1996 of JUDL.MAGISTRATE OF FIRST CLASS, KOYILANDY DT. 10.7.97.

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REVN. PETITIONER: APPELLANT / ACCUSED

GOUTHAMAN, S/O.KUNHIKANARAN,
MELUR AMSM, KOYILANDY.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: RESPONDENTS/ COMPLAINANT

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1. **THE EXCISE INSPECTOR,**
   KOYILANDY.

2. **STATE OF KERALA, REP.BY THE**
   PUBLIC PROSECUTOR, HIGH COURT
   OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/06 /2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1080 of 1999

DATED THIS THE 20TH JUNE 2007

ORDER

The revision petitioner stands convicted for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for three months. The prosecution case is that on 3-9-1994 at about 2 p.m. the accused was found carrying a plastic can which when examined was found to contain illicit liquor. Counsel for the revision petitioner has only pleaded for leniency pointing out that since the date of occurrence about 13 years have elapsed and that so far the accused is facing the criminal proceedings. It was also pointed out that if the accused is imprisoned, it will have devastating effect on his family consisting of his wife and children and aged parents.

In the circumstances, considering the long delay in the matter, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in defualt to

undergo simple imprisonment for three months. The revision petitioner shall appear before the Judicial First Class Magistrate, Quilandy on 6-8-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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ORDER ON CRL.M.P. NO. 4971 OF 1999 IN CRL.R.P.NO. 1080/1999

DISMISSED.

20-6-2007 SD/-K.R.UDAYABHANU, JUDGE

K.R.UDAYABHANU, J

CRL.R.P.NO.1080 of 1999

ORDER

20-6-2007